

Remarks

The referenced patent application has been reviewed in light of the referenced Office Action.

The Drawings are objected to in the Action. A corrected drawing sheet is filed with this response. The objection is no longer an issue in the drawings as corrected and therefore should be withdrawn.

The disclosure is objected to as failing to comply with 37 C.F.R. 1.77(b) because the specification did not include a Brief Summary of Invention section. Applicant notes that the requirement for a Brief Summary of Invention Section as set out in 37 C.F.R. Section 1.77(b) is merely a guideline. "The specification should include the following sections in order... (6) Brief Summary of the Invention." 37 C.F.R. 1.77(b), (emphasis added). As to the specific section "Brief Summary of the Invention" as described in MPEP section 608.01(d) following 37 CFR 1.73, an Applicant cannot be required to provide this section. As the Federal Courts have noted, it is 'important to note that the language of § 1.73 is not mandatory (ie. "should" as opposed to "must").' Fox Industries, Inc. v. Structural Preservation Sys., 6 U.S.P.Q.2D (BNA) 1577 (1988). Applicant therefore respectfully asserts that a Brief Summary of the Invention section is not required in the Specification.

Claims 1-27 are pending in the Application. Claims 1-27 are rejected. Claims 13-21 and 25-27 are amended to clarify Applicant's claimed invention.

Claims 13-21 and 25-27 are objected to as improper multiple dependent claims. The objections are moot with reference to the claims as amended.

Claims 13-21 and 25-27 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, because a carrier wave is not a “tangible” medium. As amended the claims are explicitly limited to a “tangible” medium and therefore the rejection cannot stand and should be withdrawn.

Claims 1, 5, 6, 13, 17, 18, 22-24 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao et al., (U.S. Publication No. 2002/0062424) (Liao) in view of Thelin et al. (U.S. Patent No. 6,961,814) (Thelin).

Claims 1, 13, 22 and 25 are independent claims. Each includes an element relating to allocating a reserve or pool of cache lines in a cache for pinned data. The Action rejects claims 1, 13, 22 and 25 asserting that Liao discloses a reserving a portion of a cache for pinned data with reference to paras 0018 and 0022 of Liao.

However, this assertion is with due respect, clearly incorrect. At paragraphs 0018 and 0022 of Liao, a cache that has a locked portion may be disclosed. However, according to Liao “what is meant by ‘locked’ in this context is that the contents of the locked portion of the cache cannot be altered by the hardware cache management system.” Liao, para. 0018.

As is known in the art and further supported in the Specification at para. 07, p. 4, a cache line that is retained potentially indefinitely in the cache and are not subject to the normal cache replacement policy is said to be “pinned.”

It may be advantageous for a certain line in the cache to always remain in the cache for as long as the system is in operation, for example, lines that contain often-accessed operating system code. Such cache lines are retained potentially indefinitely in the cache and are not subject to the

normal cache replacement policy, and are said to be “pinned.” The cache management system will not remove that line from the cache when a demand for a new cache line is made for storage of new data coming into the cache. A line in such an implementation may have a flag in its metadata that indicates whether the line is pinned.

Specification, para. 07.

However, the locked portion of the cache of Liao does not constitute pinned cache lines, rather, the locked portion merely excludes access by a cache management system. At the very least, there is no disclosure in Liao that any portion of the cache of Liao is reserved for cache lines that are retained potentially indefinitely in the cache and are not subject to the normal cache replacement policy, that is, reserving a portion of a cache for pinned data as in Applicant’s claims 1, 13, 22, and 25. Therefore the rejection of these claims under 35 U.S.C. § 103(a) as being anticipated by Liao in view of Thelin cannot stand for at least this reason and should be withdrawn.

Because the rejections of claims 5 and 6 rely on the rejection of claim 1; the rejections of claims 17 and 18 rely on the rejection of claim 13, the rejections of claims 23 and 24 rely on the rejection of claim 22, and the rejection of claims 26 and 27 rely on the rejection of claim 25, and because, as argued above, the rejections of claims 1, 13, 22, and 25 cannot stand, these rejections also cannot stand for at least this reason and should be withdrawn.

Claims 2 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao in view of Norman, (U.S. Patent No. 6,292,868) (Norman).

Claim 2 and 14 depend on claims 1 and 13 respectively. The Action relies on the above discussed rejection of the elements of claims 1 and 13 that are inherited by claims 2 and 14 to reject claims 2 and 14. Because, as argued above, the rejections of claims claims 1 and 13 cannot stand, the rejections of claims 2 and 14 also cannot stand for at least this reason and should be withdrawn.

Claims 3, 4, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao in view of Thelin, and in further view of Norman.

Claims 3 and 4 depend on claim 1; and claims 15 and 16 depend on claim 13. The Action relies on the above discussed rejection of the elements of claims 1 and 13 that are inherited by claims 3 and 4 and by claims 15 and 16 respectively to reject claims 3, 4, 15 and 16. Because, as argued above, the rejections of claims claims 1 and 13 cannot stand, the rejections of claims 3, 4, 15 and 16 also cannot stand for at least this reason and should be withdrawn.

Claims 7 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao in view of Thelin, and in further view of Mandal et al., U.S. Patent No. 6,983,465.

Claims 7 and 19 depend on claims 1 and 13 respectively. The Action relies on the above discussed rejection of the elements of claims 1 and 13 that are inherited by claims 7 and 19 respectively to reject claims 7 and 19. Because, as argued above, the rejections of claims claims 1 and 13 cannot stand, the rejections of claims 7 and 19 also cannot stand for at least this reason and should be withdrawn.

Claims 8, 10, 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao in view of Rowlands, (U.S. Patent No. 6,748,491) (Rowlands).

Claims 8, 10, 12 and 20 are independent claims. Each includes an element relating to allocating a reserve or pool of cache lines in a cache for pinned data. The Action rejects claims 8, 10, 12 and 20 asserting that Liao discloses a reserving a portion of a cache for pinned data with reference to paras 0018 and 0022 of Liao.

However, as previously discussed the locked portion of the cache of Liao does not constituted a pool cache lines for pinned data, rather, the locked portion merely excludes access by a cache management system. At the very least, there is no disclosure in Liao that any portion of the cache of Liao is reserved for cache lines that are retained potentially indefinitely in the cache and are not subject to the normal cache replacement policy, that is, reserving a portion of a cache for pinned data as in Applicant's claims 8, 10, 12 and 20. Therefore the rejection of these claims under 35 U.S.C. § 103(a) as being anticipated by Liao in view of Rowlands cannot stand for at least this reason and should be withdrawn.

Claims 9, 11 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liao in view of Rowlands in further view of Wong, U.S. Patent No. 7,130,979 (Wong).

Claims 9, 11 and 21 depend on claims 8, 10 and 20 respectively. The Action relies on the above discussed rejection of the elements of claims 8, 10 and 20 that are inherited by claims 9, 11 and 21 respectively to reject claims 9, 11 and

21. Because, as argued above, the rejections of claims 8, 10 and 20 cannot stand, the rejections of claims 9, 11 and 21 also cannot stand for at least this reason and should be withdrawn.

As argued above the rejections of claims 1-27 cannot stand and should be withdrawn, and thus all claims pending in the application, viz. claims 1-27 should be allowed.

The Examiner is welcome to contact the Attorney of Record, Sanjay S. Gadkari (Reg. No. 55,796) at 503-264-4348 to discuss any matters in connection with the case. The Commissioner is hereby authorized to charge any fees in connection with this communication to our Deposit Account No. 50-0221.

Respectfully submitted,

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